ENERGY AND NATURAL RESOURCES

Fish and Wildlife Division

Alberta Trapper Compensation Program

May, 1985

The Trapper Compensatic Program has been established to help trappers and other resource users pursue their activities on the same land base with as little conflict as possible. Should conflict occur the program is designed to assist the trapper in obtaining compensation for losses.

The Department of Energy and Natural Resources Act authorizes the Minister to establish a board when he considers it necessary to act in an advisory capacity. A board has been appointed to advise the Associate Minister on matters concerning compensation to trappers for damages and losses suffered by them as a result of industrial activity in Alberta.

This brochure is intended as a source of information to trappers and other resource users and stresses the need to co-operate so that both can respect one another's rights.

Due to cultural or language differences government personnel involved in responding to claims by native trappers should seek assistance of council or band members and, when necessary, seek interpretive services so that the intent of the provisions are applied equally to all trappers.

TRAPPING CERTIFICATES, LICENCES

Wildlife in Alberta is the property of the crown. The right to take and sell fur from fur-bearing animals is given to registered trappers by a Trapping Area Certificate. This entitles the certificate holder to hunt and trap fur-bearing animals on crown land described on the certificate.

Residents of Alberta may also hunt, trap and sell furs from fur-bearing animals under the authority of a Resident Trappers Licence. This licence entitles the holder to hunt and trap fur-bearing animals on private land, occupied crown land or unoccupied crown land that does not lie within a registered trapping area.

Crown land within Alberta is managed on a integrated-land-use basis. The right to use land or its resources is authorized by various government departments and divisions within departments. Trapping, lumbering, mining, or exploration activities can therefore occur simultaneously on the same lands. Since some of these uses can and often do conflict with trapping, controls and protective measures are necessary.

Traditionally, registered trappers have improved their areas by developing trails, cabins and bridges so that their returns could increase. In addition, managing an area properly assured trappers their rights for a long tenure. Monetary and time investment to improve a trapping area can be considerable.

The issue of compensation was voiced by trappers at Public Land Use hearings held in Alberta during 1978 and 1979. As a result, the Associate Minister of Public Lands and Wildlife announced the Trapper Compensation Program effective August 19, 1980. This program provides compensation for losses of trapping income and damages which stem from activities of the conventional oil and gas industry, as well as for theft or damages to equipment and fur caused by unknown parties.

The seismic activity of the oil and gas industry often operates through contractors and moves frequently and quickly through many trapping areas, so that opportunities for direct settlement for damages are limited. In contrast, the timber and oil sands industries operate for long periods in a given area, and hence allow ample opportunities for resolving differences directly.

Two main aspects of the program included the appointment of a board and the establishment of a fund to which the conventional oil and gas industry contribute.

Trapper Compensation Review Board

The Trapper Compensation Review Board comprises six members appointed annually under Ministerial order. Members include two from industry, representing the Canadian Petroleum Association and the Independent Petroleum Association of Canada, three members representing Indian trappers, Metis trappers and the Alberta Trappers Association and the fourth member, an impartial chairman chosen from the public. The board is directly responsible to the Associate Minister and has three main functions:

1. Advise Government on trapper problems from all kinds of disturbing activities on Crown land;

2. Act as informal mediator of disputes on damage claims between trappers and any agency or industry impacting the fur resource;

3. Recommend appropriate levels of payment from the Fund where it applies.

The Board therefore meets periodically to evaluate the claims according to approved policy guidelines. Recommendations for claim settlement are made to the Associate Minister who has the final decision. Although the final decision will normally be accepted, dissatisfied claimants may appeal in writing to the Minister.

Trapper Compensation Fund

The Trapper Compensation Fund is maintained by assessing the conventional oil and gas industry $1.24 per hectare (50 cents per acre) for seismic activity and $2.48 per hectare ($1 per acre) for other influences (well sites, pipelines, battery sits and roads) when this activity occurs in the Green Area of Alberta these being basically the forested areas of the province. Although funding stems from assessments in the Green Area, payments from the fund may be awarded to registered trappers throughout Alberta. Claims by junior registrants (partners, helpers) will be considered provided the claim is acknowledged in writing by the senior registrant or trapping area holder. Compensation for theft and vandalism may alsc be awarded to resident trappers on unoccupied Crown land.

The Fish and Wildlife Division administers the program and provides a secretary-manager position to the board, while fish and wildlife officers and trapline resource officers investigate claims and prepare the reports. On occasion, forest officers may also be contacted for information and assistance to trappers in making claims.

TYPES OF CLAIMS

Acceptable claims and reporting procedures for trappers are:

Vandalism, Theft and Arson (Furs, Equipment, Buildings)

These activities are criminal and must be reported as soon as possible to the Royal Canadian Mounted Police or Fish and Wildlife. Early reporting provides an opportunity for investigation. In areas where these agencies are not available, the Alberta Trapper's Association may assist in reporting such losses on the trapper's behalf.

Procedure:

1. The trapper must report such matters as soon as possible with as much detail as possible to the RCMP or Fish and Wildlife. If witnesses to the damage or loss are available, their supporting testimony is very important. Photographs are also useful.

2. The trapper makes a claim for loss at the nearest Fish and Wildlife office.

Once the claim has been thoroughly investigated and the suspects are still unknown or can't be found, it will go to the board for evaluation and conclusion. Compensation for payment will come from the fund.

Damage to Equipment and Assets

This type of claim occurs when trappers are not adequately notified of pending activity, and damages to traps, snares, cubbies, or

Short-term Loss of Revenue Due to Interference and Disturbance

This type of loss may occur on a trapping area when very intense industrial activity occurs throughout the trapping season, and interferes with the trapper's operations or disturbs the normal movement of fur-bearing animals. The trapper must continue to work as hard as he has in past seasons. If he is unable to harvest his normal number of fur-bearing animals, he may be eligible for compensation.

Procedure:

1. The trapper may contact the company or companies responsible and attempt to negotiate a settlement. This is not a requirement, however, as most of the payments would be made from the fund.

2. The trapper should contact the trapline resource officer or apply for compensation at a Fish and Wildlife office.

3. The trapline resource officer will investigate and document the claim and report it to the board. The board may recommend payment from the fund or from the company responsible for the loss.

Long-Term Loss of Livelihood caused by Habitat Removal

This loss will occur if enough habitat is removed from a registered trapping area, that it cannot produce as much fur as the trapper has normally harvested in past seasons.

Procedure:

1. The same procedure as with Short-Term Loss of Revenue due to Interference and Disturbance.

even fur in traps results. (See notification requirement on page __ of brochure).

Procedure:

1. The trapper must contact the Company responsible, indicate the damage and attempt to settle the matter directly. Trappers should contact any representative of the company while the activities are occurring on the trapping area. (To request settlement for such damages long after a company leaves the trapping area results in unnecessary delay and decreases the opportunity for the company to verify the loss.)

2. If negotiation between the trapper and company does not result in a settlement, the trapper should make a claim at the nearest Fish and Wildlife office.

On receipt of the claim, the trapline resource officer will investigate, assist in reaching a settlement or report the conflict to the board which will evaluate the claim and recommend a settlement to the Associate Minister. In such cases, companies will be advised as to the fair and just settlement and should honor the decision. When damage occurs and the company responsible cannot be located, then the fund may compensate the trapper.

Inconvenience

This type of claim results when industrial activity causes a trapper extra work to properly carry out his trapping operation. Examples of inconvenience are re-setting and moving of traps, re-building cubbies, clearing blocked trapping trails, and building new trails to other areas.

Procedure:

The same procedure as for damage to equipment.

ADDITIONAL INFORMATION

The following legislation is applicable to the program and reflects the authority for establishing Boards and applying conditions to dispositions granted.

Energy and Natural Resources Act

Section 5(1):

"The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, program, services or other matters under his administration."

Public Lands Act

Section 14:

"The Minister may, in a disposition, prescribe terms and conditions to which any disposition is subject."

The terms and conditions as referred to in Section 14 of the Public Lands Act, are included in the Letter of Authority issued by Energy and Natural Resources, Special Land Use Section. This letter of authority authorizes the company to perform its work. A standard clause appears on such letters and requires a representative of the company to contact the registered trapper (senior registrant) at least five days before the program begins. This contact can be made by registered mail, however personal communication with the trapper is recommended.

Registered trapping area maps can be purchased from:

Licence and Budget Section
Fish and Wildlife Division
3rd Floor
Bramalea Building
9920 - 108 Street
Edmonton, Alberta

Telephone: 427-6729.

The Fish and Wildlife Division will, upon request, identify current registered trappers. The Public Lands Registry will provide information concerning resident trapping on unoccupied crown land (not within a registered trapping area), to those applying for a disposition on that land.

Information concerning the Alberta Trapper Compensation Program may be obtained from the secretary of the Trapper Compensation Review Board at:

Fish and Wildlife Division
Main Floor, North Tower
Petroleum Plaza
9945 - 108 Street
Edmonton, Alberta
T5K 2C9

Telephone: 427-6750.

or from the following Alberta Fish and Wildlife Division, Regional Offices:

Provincial Building
9621 - 96 Avenue
Bag 900-26
Peace River, Alberta
TOH 2X0 Phone: 624-6405

Provincial Building
4919 - 51 Street
Box 388, Mountain Ridge Plaza
Rocky Mountain House, Alberta
TOM 1T0 Phone: 845-5357

Eldorado Building
4916 - 51 Avenue
Box 1450, Eldorado Building
St. Paul, Alberta
TOA 3A0 Phone: 645-6212